

REMARKS/ARGUMENTS

STATUS OF THE APPLICATION

Claims 1-40 were pending in this application. Claims 1, 2, 11, 16, 17, 26, 31, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Light (U.S. Patent 6,389,412; hereinafter "Light") in view of Yazdani et al. (U.S. Patent 6,614,789; hereinafter "Yazdani").

Claims 3-10, 12-15, 18-25, 27-30, and 33-40 are deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 4, 5, 7, 9, 12, 13, 16, 19, 20, 22, 24, 27, 28, 31, 34, 35, 37, and 38 have been amended. Claims 3, 18, and 33 have been canceled without prejudice. New claims 41-49 have been added. Claims 1, 2, 4-17, 19-32, and 34-49 remain pending in this application after entry of this amendment.

THE CLAIMS

Claim 1

Applicants submit that claim 1 in its previous unamended state was not made obvious by Light and Yazdani, considered individually or in combination.

For example, neither of the references show or even suggest that the number of comparisons needed to determine if the query element is included in the set of elements is proportional to the length of the query element. The section of Light identified by the Office Action as disclosing the above feature (col. 15, lines 40-67) merely describes (1) the creation of searchable metadata for a document retrieval system, and (2) a process flow for submitting user queries. The cited section does not make any reference to the number of comparisons required to perform a search, as recited in claim 1.

Further, neither of the references show or even suggest that the number of comparisons needed to determine if the query element is included in the set of elements is independent of the number of elements in the set of elements. The section of Light identified by the Office Action as disclosing the above feature (col. 16, lines 1-26) merely describes (1) filtering of a metadata set and (2) workload distribution of a search among client and server

processors. The cited section does not make any reference to the number of comparisons required to perform a search.

The deficiencies of Light are not cured by Yazdani. For at least the foregoing reasons, it is believed that the invention as recited in previously pending independent claim 1 is novel and nonobvious over the cited prior art.

However, for the sole interest of expedited prosecution Applicants have amended claim 1 to incorporate features of claim 3 which the Examiner has identified as allowable if rewritten in independent form. Claim 3 has been accordingly canceled without prejudice.

Applicants thus submit that independent claim 1 is in a condition for allowance.

Claims 2 and 4-11

Applicants submit that claims 2 and 4-11 which depend from claim 1 should also be allowed for at least a similar rationale as discussed for allowing claim 1, and others.

Claims 16, 17, 19-26, 31, 32, and 34-36

Applicants submit that the features of the present invention recited in previously pending unamended independent claims 16 and 31 are not made obvious by Light and Yazdani, considered individually or in combination, for at least a similar rationale as claim 1.

However, for the sole interest of expedited prosecution Applicants have amended claims 16 and 31 to incorporate features of claims 18 and 33, respectively, which the Examiner has identified as allowable if rewritten in independent form. Claims 18 and 33 have been accordingly canceled without prejudice.

Applicants thus submit that independent claims 16 and 31 are in a condition for allowance.

Applicants further submit that claims 17 and 19-26 which depend from claim 16, and claims 32 and 34-36 which depend from claim 31, should also be allowed for at least a similar rationale as discussed for allowing claims 16 and 31, and others.

Claims 12-15, 27-30, and 37-40

Applicants have amended claims 12, 27, and 37 (which the Examiner has identified as allowable if rewritten in independent form) and rewritten them as independent claims including the features of previously pending base claims 1, 16, and 31, respectively. Applicants thus submit that claims 12, 27, and 37 are now in a condition for allowance.

Applicants further submit that claims 13-15, 28-30, and 38-40 which depend from claims independent 12, 27, and 37, respectively, should also be allowed for at least a similar rationale as discussed for allowing claims 12, 27, and 37, among others.

New Claims 41-49

Applicants have added new claims 41-49. Applicants submit that the new claims are in a condition for allowance. For example, in addition to other features, neither Light nor Yazdani teach or suggest that the size of the data structure used for searching is "O(D)" as recited in claims 41, 43, and 45, or " $O(Z * m^2)$ " as recited in claims 47, 48, and 49. Applicants respectfully request for these claims to be entered and allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

S. B. Kotwal

Sujit B. Kotwal
Reg. No. 43,336

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
SBK:km 60269200 v4